

ITEM NO.19

COURT NO.4

SECTION XII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 13175/2018  
(Arising out of impugned final judgment and order dated 27-11-2017  
in RA No. 78/2016 passed by the High Court Of Judicature At Madras)

THE STATE OF TAMIL NADU

Petitioner(s)

VERSUS

S. MALLIKHA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.73435/2018-EXEMPTION FROM FILING  
O.T. )

Date : 05-07-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH  
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. V. Giri, Sr. Adv.  
Mr. M. Yogesh Kanna, AOR Ms.  
Sujatha Bagachi, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

It is pointed out that one of the judges, who passed the original judgment dated 2.3.2016 was available and he is not in the Bench which considered the review petition leading to the impugned order, which is in violation of the decision of this Court dated 11.10.2011 passed in Civil Appeal No.8525 of 2011 titled Malthesh Gudda Pooja v. State of Karnataka & Ors., reported in (2011) 15 SCC 330. There is also a judgment dated 10.06.2015 of the High Court of Madras on the point, in Vasanthakumar Vengadessane v. The Registrar General and Ors., reported in (2015) 5 MLJ 129. Issue notice to Respondent No.1 only, returnable in four weeks Dasti service, in addition, is permitted.

There will be stay of operation of the impugned order of the High Court.

(NARENDRA PRASAD)  
COURT MASTER

(RENU DIWAN)  
ASSISTANT REGISTRAR